IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTYFIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SMT JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 23415 of 1995

Between:

1. Galla Gangadharudu S/O. Venkatarao, aged 40 years
2. Galla Nookaraju s/o. Venkatrao, aged 35 years
3. Galla Atchutarayudu s/o. Venkatrao, agted 33 years
4. Galla Venkateswarlu s/o. Venkatarao,

(All are residents of Indukurupeta, Devipatnam Mandal)

..... PETITIONERS

AND

1. Mandal Revenue Officer, Devipatnam, E.G. District.
2. Sub- Collector, Rampachodavaram, E.G. District.
3. Director of Settlements, G/AP, Hyderabad.
4. Commissioner of Survey, land Records, Settlements, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records relating to the Order of the 4th respondent made in L3/1296/84, confirming the orders of the 3rd respondent made in AP.285/78 and that of the Settlement Officer, Rajahmundry made in Case No. 554 dated 25-9-1977 and issue Writ of Certiorari or any other appropriate Writ, Order or direction, quashing the order of the 4th respondent made in L3/1296/84, confirming the orders of 3rd respondent

made in AP 285/78 and that of the Settlement Officer, Rajahmundry made in Case No.554,

Counsel for the Petitioners: MR. M.L. SARMA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

Challenging the orders passed by the fourth respondent in L3/1296/84, dt. 4-2-1994 confirming the orders of the third respondent dt.18-7-1984 and the orders of the Settlement Officer, Rajahmundry dt. 25-9-1977, the present writ petition is filed.

The brief facts of the case are as follows:

The petitioners sought for a patta for the land measuring 0.43 cents in S.No.38/3 and 0.79 cents in S.No.122/2 totalling ac 1.22 cents in Indukurupeta village, Devipatnam Mandal, E.G.District. The village was a part of Peta Zamin Estate under the Provisions of A.P. Estates Abolition & Conversion into Ryotwari Act, 1948. The petitioners claimed possession and enjoyment of the said land for many years and that the property was purchased by their mother by a sale deed dt.16-2-1953. The Settlement Officer took up the case under Section 9 of the Regulation 2/70 for grant of ryotwari patta in respect of the said land and rejected the claim on the ground that there was no recorded evidence to show that no tribal ever lived in the land since 1917 when Act 1/1917 came into force till the date of their purchase. Against the said order, they filed an appeal before the Director of Settlements-third respondent in A.P.No. 285/78 and the same was dismissed on 28-5-1984. Aggrieved by the same, the petitioners preferred an appeal before the Commissioner of Survey, Settlement & Land Records, Hyderabad-fourth respondent, but the same was also dismissed

under the impugned order dt. 4-2-1994 in L3/1296/84, confirming the orders of the third respondent made in AP 285/78 and that of the Settlement Officer, Rajahmundry, made in Case No.554. The same is challenged in the present writ petition

Heard the learned Counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

Perused the material available on record and the impugned order. The appellate authority i.e., the Commissioner of Survey, Settlements & Land Records found that for the first time the petitioners have filed an application to call for the cist receipts, which were not produced before the lower Court. Further, even on merits of the case, the Commissioner also found that the documents filed by the petitioners are relating to purchase of land by one Kulikapudi Venkayamma from Appukonda Chanchayya. But it was not indicated how Appukonda Chenchayya obtained the said land. The Commissioner also found that the documents were not filed before him. It has also been observed that the sale deed of the year 1933 relied on by the petitioners did not contain either the patta No or paimish number to prove the case of the petitioners herein. The Commissioner having found the above infirmities had chosen to dismiss the appeal.

In view of the facts and circumstances of the case and in view of the infirmities as pointed out by the Commissioner, it is to be noticed that disputed questions of facts are involved in this matter which cannot be looked into at this stage by exercising the powers vested under Art.226 of the Constitution of India.

Writ petition fails and accordingly the same is dismissed. No costs.

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T. MEENA KUMARI, J

Dt. 31-3-2005

Kvrk

To

1. The Mandal Revenue Officer, Devipatnam, E.G. District.
2. The Sub- Collector, Rampachodavaram, E.G. District.
3. The Director of Settlements, G/AP, Hyderabad.
4. The Commissioner of Survey, land Records, Settlements, Hyderabad.
5. Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)
6. Two CD copies.